REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed

March 21, 2006. Upon entry of this response, claims 26 – 50 remain pending. Reconsideration

and allowance of the application and presently pending claims are respectfully requested.

I.   **Claim 26 is Patentable Over *Agraharam et al.* in view of *Ozkan et al.***

The Office Action indicates that claim 26 stands rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent Number 6,035,339 (*"Agraharam"*) in view of U.S. Patent Number

6,366,326 (*"Ozkan"*). Applicants respectfully traverse this rejection for at least the reason that

Agraharam in view of *Ozkan* fails to disclose, teach, or suggest all of the elements of claim 26.

More specifically, claim 26 recites:

> A method, at a decoder in a subscriber television system, for determining a service group associated with the decoder, the method comprising the steps of:
> (a)   *retrieving a service group table* from a signal on the transmission medium, wherein the service group table includes a plurality of service group identifications, a plurality of transport stream identifications, and tuning information associated with at least one transport stream identification;
> (b)   retrieving at least a portion of the tuning information from the service group table, the tuning information including at least one frequency, wherein the at least one frequency is associated with the at least one transport stream identification;
> (c)   tuning to a frequency retrieved from the tuning information;
> (d)   determining if a valid signal is present at the tuned frequency;
> (e)   in response to determining that a valid signal is detected at the tuned frequency, *determining the transport stream identification* associated with the tuned frequency and, from the determined transport stream identification, *determining an associated service group* from the service group table as the service group for the decoder;
> (f)   comparing the determined service group for the decoder with a previously stored service group; and

(g)   in response to a determination that the determined service group for the decoder is different than the previously stored service group, transmitting the determined service group for the decoder to a system controller. *(emphasis added)*

Applicants respectfully submit that the cited art does not disclose, teach, or suggest all of the elements of claim 26. More specifically, the Office Action asserts that *Agraharam* discloses "[retrieving] a service group table... from a signal on the transmission medium... where the service group table includes a plurality of service group identifications, a plurality of transport stream identifications, and tuning information..." (OA p. 3, line 2). Applicants respectfully disagree with this analysis. More specifically, *Agraharam* appears to disclose a "network delivery device 110 [that] sends the packaged information to the end-user terminal 114..." (col. 2, line 57). Additionally, *Agraharam* appears to disclose "providing the network information delivery device with predetermined information such as user profile 230 or end-user terminal access information such as passwords and logon identifications..." (col. 4, line 24). However nowhere in *Agraharam* is there any mention of *"retrieving a service group table* from a signal on the transmission medium, wherein the service group table includes a plurality of service group identifications, a plurality of transport stream identifications, and tuning information associated with at least one transport stream identification" as recited in claim 26. Additionally, *Ozkan* does not overcome the deficiencies of *Agraharam*. For at least these reasons, claim 26 is allowable over the cited art.

Additionally, *Agraharam* does not appear to disclose *"determining the transport stream identification* associated with the tuned frequency and, from the determined transport stream identification, *determining an associated service group* from the service group table as the service group for the decoder" as recited in claim 26. More specifically, *Agraharam* appears to

disclose a "program downloaded to the end user terminal 114 and performed by the end-user terminal CPU 202. In step S2040, the CPU 202 determines the end-user terminal capabilities for the user profile..." (col. 6, line 14). Applicants respectfully submit that this is vastly different than "*determining the transport stream identification* associated with the tuned frequency and, from the determined transport stream identification, *determining an associated service group* from the service group table as the service group for the decoder" as recited in claim 26. Further, *Ozkan* fails to overcome this deficiency, as well. For at least these additional reasons, claim 26 is allowable over the cited art.

II. Claim 31 is Patentable Over *Agraharam et al.* in view of *Ozkan et al.*

The Office Action indicates that claim 31 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Agraharam* in view of *Ozkan*. Applicants respectfully traverse this rejection for at least the reason that *Agraharam* in view of *Ozkan* fails to disclose, teach, or suggest all of the elements of claim 31. More specifically, claim 31 recites:

> A method for determining a service group association of at least one decoder, comprising the steps of:
> *creating, at the headend, a service group table* for the subscriber television system, wherein the service group table includes a *plurality of service group identifications*, a plurality of *transport stream identifications*, and tuning information associated with at least one transport stream identification;
> causing to be transmitted, from the headend, the service group table via the transmission medium to the at least one decoder;
> receiving a message, at the headend, from the least one decoder, the message including the service group associated with the at least one decoder; and
> recording, at the headend, *the relationship of the decoder to the associated service group. (emphasis added)*

Applicants respectfully submit that the cited art does not disclose, teach, or suggest all of the elements of claim 31. More specifically, the Office Action asserts that *Agraharam* discloses "[retrieving] a service group table... from a signal on the transmission medium... where the service group table includes a plurality of service group identifications, a plurality of transport stream identifications, and tuning information..." (OA p. 3, line 2). Applicants respectfully disagree with this analysis. More specifically, *Agraharam* appears to disclose a "network delivery device 110 [that] sends the packaged information to the end-user terminal 114..." (col. 2, line 57). Additionally, *Agraharam* appears to disclose "providing the network information delivery device with predetermined information such as user profile 230 or end-user terminal access information such as passwords and logon identifications..." (col. 4, line 24). However nowhere in *Agraharam* is there any mention of *"creating, at the headend, a service group table* for the subscriber television system, wherein the service group table includes a *plurality of service group identifications*, a plurality of *transport stream identifications*, and tuning information associated with at least one transport stream identification" as recited in claim 31. Additionally, *Ozkan* does not overcome the deficiencies of *Agraharam*. For at least these reasons, claim 31 is allowable over the cited art.

Additionally, *Agraharam* does not appear to disclose "recording, at the headend, *the relationship of the decoder to the associated service group*" as recited in claim 31. More specifically, *Agraharam* appears to disclose a "program downloaded to the end user terminal 114 and performed by the end-user terminal CPU 202. In step S2040, the CPU 202 determines the end-user terminal capabilities for the user profile..." (col. 6, line 14). Applicants respectfully submit that this is vastly different than "recording, at the headend, *the relationship of the decoder to the associated service group*" as recited in claim 31. Further, *Ozkan* fails to

overcome this deficiency, as well. For at least these additional reasons, claim 31 is allowable over the cited art.

III.   Claim 34 is Patentable Over *Agraharam et al.* in view of *Ozkan et al.*

The Office Action indicates that claim 34 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Agraharam* in view of *Ozkan*. Applicants respectfully traverse this rejection for at least the reason that *Agraharam* in view of *Ozkan* fails to disclose, teach, or suggest all of the elements of claim 34. More specifically, claim 34 recites:

> A modulator for transmitting a service group table in a subscriber television system, the modulator comprising:
> a ***means for creating a service group table***, wherein the service group table includes a plurality of service group identifications, a plurality of transport stream identifications, and tuning information associated with at least one transport stream identification; and
> a transmitter for transmitting the service group table. *(emphasis added)*

Applicants respectfully submit that the cited art does not disclose, teach, or suggest all of the elements of claim 34. More specifically, the Office Action asserts that *Agraharam* discloses "[retrieving] a service group table... from a signal on the transmission medium... where the service group table includes a plurality of service group identifications, a plurality of transport stream identifications, and tuning information..." (OA p. 3, line 2). Applicants respectfully disagree with this analysis. More specifically, *Agraharam* appears to disclose a "network delivery device 110 [that] sends the packaged information to the end-user terminal 114..." (col. 2, line 57). Additionally, *Agraharam* appears to disclose "providing the network information delivery device with predetermined information such as user profile 230 or end-user terminal access information such as passwords and logon identifications..." (col. 4, line 24). However

nowhere in *Agraharam* is there any mention of "a *means for creating a service group table*, wherein the service group table includes a plurality of service group identifications, a plurality of transport stream identifications, and tuning information associated with at least one transport stream identification" as recited in claim 34. Additionally, *Ozkan* does not overcome the deficiencies of *Agraharam*. For at least these reasons, claim 34 is allowable over the cited art.

IV.   Claim 38 is Patentable Over *Agraharam et al.* in view of *Ozkan et al.*

The Office Action indicates that claim 38 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Agraharam* in view of *Ozkan*. Applicants respectfully traverse this rejection for at least the reason that *Agraharam* in view of *Ozkan* fails to disclose, teach, or suggest all of the elements of claim 38. More specifically, claim 38 recites:

> A decoder configured to determine an association with a service group of a subscriber television system, the decoder comprising:
> a tuner for tuning to a signal received from a transmission medium;
> *means for retrieving a service group table from the tuned signal*, wherein the service group table *includes a plurality of service group identifications, a plurality of transport stream identifications*, and tuning information associated with at least one transport stream identification;
> means for retrieving tuning information from the service group table;
> means for causing the re-tuning of the tuner to at least one frequency indicated by the tuning information;
> means for determining if a valid signal is present on the at least one frequency; and
> means for determining, *from a transport stream identification* associated with the frequency with a valid signal, *a service group to which the decoder belongs. (emphasis added)*

Applicants respectfully submit that the cited art does not disclose, teach, or suggest all of the elements of claim 38. More specifically, the Office Action asserts that *Agraharam* discloses "[retrieving] a service group table... from a signal on the transmission medium... where the service group table includes a plurality of service group identifications, a plurality of transport stream identifications, and tuning information..." (OA p. 3, line 2). Applicants respectfully disagree with this analysis. More specifically, *Agraharam* appears to disclose a "network delivery device 110 [that] sends the packaged information to the end-user terminal 114..." (col. 2, line 57). Additionally, *Agraharam* appears to disclose "providing the network information delivery device with predetermined information such as user profile 230 or end-user terminal access information such as passwords and logon identifications..." (col. 4, line 24). However nowhere in *Agraharam* is there any mention of "*means for retrieving a service group table from the tuned signal*, wherein the service group table *includes a plurality of service group identifications, a plurality of transport stream identifications*, and tuning information associated with at least one transport stream identification" as recited in claim 38. Additionally, *Ozkan* does not overcome the deficiencies of *Agraharam*. For at least these reasons, claim 38 is allowable over the cited art.

Additionally, *Agraharam* does not appear to disclose "means for determining, *from a transport stream identification* associated with the frequency with a valid signal, *a service group to which the decoder belongs*" as recited in claim 38. More specifically, *Agraharam* appears to disclose a "program downloaded to the end user terminal 114 and performed by the end-user terminal CPU 202. In step S2040, the CPU 202 determines the end-user terminal capabilities for the user profile..." (col. 6, line 14). Applicants respectfully submit that this is vastly different than "means for determining, *from a transport stream identification* associated

with the frequency with a valid signal, *a service group to which the decoder belongs*" as recited

in claim 38. Further, *Ozkan* fails to overcome this deficiency, as well. For at least these

additional reasons, claim 38 is allowable over the cited art.

V.   Claim 42 is Patentable Over *Agraharam et al.* in view of *Ozkan et al.*

The Office Action indicates that claim 42 stands rejected under 35 U.S.C. 103(a) as being

unpatentable over *Agraharam* in view of *Ozkan*. Applicants respectfully traverse this rejection

for at least the reason that *Agraharam* in view of *Ozkan* fails to disclose, teach, or suggest all of

the elements of claim 42. More specifically, claim 42 recites:

> A system controller for determining service group associations of a plurality of modulators in a subscriber television system, the system controller comprising:
> means for storing and updating a database of frequencies, related transport stream identities, and associated service group identities for each of the plurality of modulators;
> means for causing the creation of a modulator tuning table for the subscriber television system, the modulator tuning table including the tuning frequencies related to each of the plurality of modulators;
> means for causing to be transmitted, from the headend, the modulator tuning table via the transmission medium to at least one of the set of audit designated decoders;
> ***means for receiving a message from at least one of the set of audit designated decoders***, the message including the ***related transport stream identities*** determined by the at least one audit designated decoder based on tuning the frequencies related to each of the plurality of modulators, locating a valid transport stream related to the tuned frequency, and ***retrieving a related transport stream identification from the transport stream***; and
> means for causing the updating of the database responsive to the related transport stream identities associated with the at least one audit designated decoder. *(emphasis added)*

Applicants respectfully submit that the cited art does not disclose, teach, or suggest all of

the elements of claim 42. More specifically, the Office Action asserts that *Agraharam* discloses

"[retrieving] a service group table... from a signal on the transmission medium... where the service group table includes a plurality of service group identifications, a plurality of transport stream identifications, and tuning information..." (OA p. 3, line 2). Applicants respectfully disagree with this analysis. More specifically, *Agraharam* appears to disclose a "network delivery device 110 [that] sends the packaged information to the end-user terminal 114..." (col. 2, line 57). Additionally, *Agraharam* appears to disclose "providing the network information delivery device with predetermined information such as user profile 230 or end-user terminal access information such as passwords and logon identifications..." (col. 4, line 24). However nowhere in *Agraharam* is there any mention of *"means for receiving a message from at least one of the set of audit designated decoders*, the message including the *related transport stream identities* determined by the at least one audit designated decoder based on tuning the frequencies related to each of the plurality of modulators, locating a valid transport stream related to the tuned frequency, and *retrieving a related transport stream identification from the transport stream"* as recited in claim 42. Additionally, *Ozkan* does not overcome the deficiencies of *Agraharam*. For at least these reasons, claim 42 is allowable over the cited art.

VI.   Claim 44 is Patentable Over *Agraharam et al.* in view of *Ozkan et al.*

The Office Action indicates that claim 44 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Agraharam* in view of *Ozkan*. Applicants respectfully traverse this rejection for at least the reason that *Agraharam* in view of *Ozkan* fails to disclose, teach, or suggest all of the elements of claim 44. More specifically, claim 44 recites:

> A system controller for determining service group associations of a plurality of modulators in a subscriber television system, the system controller comprising:

means for storing and updating a database of frequencies, related transport stream identities, and associated service group identities for each of the plurality of modulators;

means for causing the creation of a modulator tuning table for the subscriber television system, the modulator tuning table including the tuning frequencies related to each of the plurality of modulators;

means for causing to be transmitted, from the headend, the modulator tuning table via the transmission medium to at least one of the set of audit designated decoders;

means for receiving a message from at least one of the set of audit designated decoders, the message including the ***related transport stream identities determined by the at least one audit designated decoder*** based on tuning the frequencies related to each of the plurality of modulators, ***locating a valid transport stream*** related to the tuned frequency, and retrieving a related transport stream identification from the transport stream; and

means for causing the updating of the database responsive to the related transport stream identities associated with the at least one audit designated decoder. ***(emphasis added)***

Applicants respectfully submit that the cited art does not disclose, teach, or suggest all of the elements of claim 44. More specifically, the Office Action asserts that *Agraharam* discloses "[retrieving] a service group table... from a signal on the transmission medium... where the service group table includes a plurality of service group identifications, a plurality of transport stream identifications, and tuning information..." (OA p. 3, line 2). Applicants respectfully disagree with this analysis. More specifically, *Agraharam* appears to disclose a "network delivery device 110 [that] sends the packaged information to the end-user terminal 114..." (col. 2, line 57). Additionally, *Agraharam* appears to disclose "providing the network information delivery device with predetermined information such as user profile 230 or end-user terminal access information such as passwords and logon identifications..." (col. 4, line 24). However nowhere in *Agraharam* is there any mention of ***"means for receiving a message from at least one of the set of audit designated decoders***, the message including the ***related transport***

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stream identities determined by the at least one audit designated decoder based on tuning the

frequencies related to each of the plurality of modulators, *locating a valid transport stream*

related to the tuned frequency, and retrieving a related transport stream identification from the

transport stream" as recited in claim 44. Additionally, *Ozkan* does not overcome the

deficiencies of *Agraharam*. For at least these reasons, claim 44 is allowable over the cited art.

VII. Claim 47 is Patentable Over *Agraharam et al.* in view of *Ozkan et al.*

The Office Action indicates that claim 47 stands rejected under 35 U.S.C. 103(a) as being

unpatentable over *Agraharam* in view of *Ozkan*. Applicants respectfully traverse this rejection

for at least the reason that *Agraharam* in view of *Ozkan* fails to disclose, teach, or suggest all of

the elements of claim 47. More specifically, claim 47 recites:

> A method of using at least one of a set of designated audit decoders at specific locations within a subscriber television system to define a service group, comprising the steps of:
> establishing, in the headend, a modulator tuning table listing available subscriber television system frequency associated with the plurality of modulators;
> transmitting the modulator tuning table from the headend on the transmission medium to at least one of the set of audit designated decoders;
> retrieving the modulator tuning table at the at least one audit designated decoder;
> tuning, at the at least one audit designated decoder, to each frequencies listed in the modulator tuning table and, if a valid signal is detected, retrieving an associated Motion Picture Experts Group (MPEG) transport stream identity for the tuned frequency;
> *transmitting to the headend, by the at least one audit designated decoder, the retrieved associated transport stream identities* for the tuned frequency associated with the at least one audit designated decoder; and
> defining as the service group *the subset of modulators associated with the transport stream identities* of the tuned frequencies with a valid signal of the at least one audit designated decoder and associated with the specific location of the at least one audit designated decoder.

Applicants respectfully submit that the cited art does not disclose, teach, or suggest all of the elements of claim 47. More specifically, the Office Action asserts that *Agraharam* discloses "[retrieving] a service group table... from a signal on the transmission medium... where the service group table includes a plurality of service group identifications, a plurality of transport stream identifications, and tuning information..." (OA p. 3, line 2). Applicants respectfully disagree with this analysis. More specifically, *Agraharam* appears to disclose a "network delivery device 110 [that] sends the packaged information to the end-user terminal 114..." (col. 2, line 57). Additionally, *Agraharam* appears to disclose "providing the network information delivery device with predetermined information such as user profile 230 or end-user terminal access information such as passwords and logon identifications..." (col. 4, line 24). However nowhere in *Agraharam* is there any mention of *"transmitting to the headend, by the at least one audit designated decoder, the retrieved associated transport stream identities* for the tuned frequency associated with the at least one audit designated decoder" as recited in claim 47. Additionally, *Ozkan* does not overcome the deficiencies of *Agraharam*. For at least these reasons, claim 47 is allowable over the cited art.

Additionally, *Agraharam* does not appear to disclose "defining as the service group *the subset of modulators associated with the transport stream identities* of the tuned frequencies with a valid signal of the at least one audit designated decoder and associated with the specific location of the at least one audit designated decoder" as recited in claim 47. More specifically, *Agraharam* appears to disclose a "program downloaded to the end user terminal 114 and performed by the end-user terminal CPU 202. In step S2040, the CPU 202 determines the end-user terminal capabilities for the user profile..." (col. 6, line 14). Applicants respectfully submit that this is vastly different than "defining as the service group *the subset of modulators*

associated with the transport stream identities of the tuned frequencies with a valid signal of

the at least one audit designated decoder and associated with the specific location of the at

least one audit designated decoder" as recited in claim 47. Further, *Ozkan* fails to overcome this

deficiency, as well. For at least these additional reasons, claim 47 is allowable over the cited art.

VIII. Claims 27 – 30, 32 – 33, 35 – 37, 39 – 41, 43, 45 – 46, and 48 – 50 are Patentable Over *Agraharam et al.* **in view of** *Ozkan et al.*

The Office Action indicates that claims 27 – 30, 32 – 33, 35 – 37, 39 – 41, 43, 45 – 46,

and 48 – 50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

Number 6,035,339 ("*Agraharam*") in view of U.S. Patent Number 6,366,326 ("*Ozkan*").

Applicants respectfully traverse this rejection for at least the reason that *Agraharam* in view of

Ozkan fails to disclose, teach, or suggest all of the elements of claim 27 – 30, 32 – 33, 35 – 37,

39 – 41, 43, 45 – 46, and 48 – 50. More specifically, dependent claims 27 – 30 are believed to be

allowable for at least the reason that these claims depend from allowable independent claim 26.

Dependent claims 32 – 33 are believed to be allowable for at least the reason that they depend

from allowable independent claim 31. Dependent claims 35 – 37 are believed to be allowable for

at least the reason that they depend from allowable independent claim 34. Dependent claims 39

– 41 are believed to be allowable for at least the reason that they depend from allowable

independent claim 38. Dependent claim 43 is believed to be allowable for at least the reason that

it depends from allowable independent claim 42. Dependent claims 45 – 46 are believed to be

allowable for at least the reason that they depend from allowable independent claim 44.

Dependent claims 48 – 50 are believed to be allowable for at least the reason that they depend

from allowable independent claim 47. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).
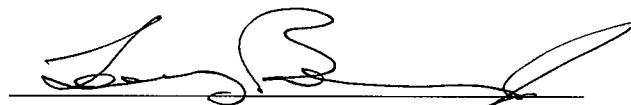
CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Further, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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